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SUBJECT: Prosecutors make little headway preventing
vote-buying in 3 in 1 Elections

Ref: A. TAIPEI 4235 B. TAIPEI 4355

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1. (SBU) Summary. Despite increasing enforcement of election laws in Taiwan and the decline of traditional forms of vote buying, this practice continues to play a role the upcoming 3 in 1 elections (reftels) in southern Taiwan. While the traditional practice appears to be on the decline, in part due to aggressive prosecution, the real question seems to be not if, but how vote-buying buying will be practiced in the upcoming election. New, less obvious, forms of vote-buying are widely anticipated, given the 2001 decision by prosecutors to limit any transfer of bribes or benefits to voters to amounts under NTD 30. End summary.

2. (SBU) Vote buying has been a common practice in local Southern Taiwan elections for many years according to local political analysts, despite laws prohibiting interference with the free exercise of voting. Interference as written in the law focuses on the traditional forms of transfer of money between the vote-buyer and the vote-seller, with both being liable to fines and imprisonment. The NTD 30 (US 90 cents), although not written into law, was imposed as a result of an island-wide meeting of judges and prosecutors in 2001 to strengthen their hand in rooting out activities that could be construed as vote-buying.

3. (SBU) In 2002, AIT/K described traditional vote-buying scenarios as situations in which local ward chiefs or other her neighborhood leaders in cities and rural districts make arrangements with particular parties or candidates to guarantee a certain number of votes for the candidate from their district. The ward chiefs or other neighborhood leaders are then provided funds based on the number of promised votes. The ward chief or other coordinator is then expected quietly to distribute a set amount of funds to each household based on the number of registered voters in the household in exchange for a promise to vote for the paying candidate. Candidates or their representatives must rely on the payment recipients ethics or loyalty, as there is no way to ensure that the voter actually votes or does so for the candidate promised. This traditional form is believed to continue to be practiced in more rural areas.

4. (SBU) In 2005, prosecutors find themselves facing multiple instances of complaints against so-called vote-buyers. In most instances, law enforcement officials told AIT/K, lack of direct evidentiary links will prohibit them from prosecuting individuals. Often prosecutors must rely mainly on informants and pursue individual instances rather than being able to tackle larger-scale practices. Increasingly, the forms of vote-buying are becoming more ambiguous and harder to strictly define as vote buying according to previous practice or previous legal interpretations.

5. (SBU) Most recently, Taitung County Education Bureau Director Chen Kun-sheng was held incommunicado after an interview by Taitung Prosecutors on November 5 for alleged vote-buying. According to prosecutors, Chen hosted dinner for fifteen elementary and junior high school principals in the name of celebrating the conclusion of the countys little league baseball games on Oct. 26. Prosecutors said that Chen requested the principals at the dinner to mobilize school faculty to attend the inauguration of independent magistrate candidate Liu Chao-haos campaign gn headquarters scheduled for November 6. Liu Chao-hao is incumbent Taitung County Vice Magistrate.

6. (U) After individual interviews with those principals, prosecutors issued a subpoena on November 4. On the same day, right after Chen completed his report to the Taitung

county council, Ministry of Justice Investigation Bureau (MJIB) Taitung Station agents escorted Chen to the Prosecutors Office. Chen told prosecutors that the dinner was purely to celebrate the success of the baseball series. Chen noted that some of the discussions at the party were related to the year-end election, but denied any vote-buying took place.

17. (U) Some principals pointed out that since Vice Magistrate Liu is the magisterial candidate, and since Chen is a subordinate of the Vice Magistrate, it is natural that Chen would solicit their help. They emphasized that Chen did not use his position to entice or coerce them for to vote for candidate Liu. Vice Magistrate and independent candidate Liu Chao-hao denied that he has asked Chen to help him seek support and stated that he would not do anything illegal since he formerly served judge and was clear about the the law.

18. (SBU) Reftels A and B discuss the most high-profile vote-buying case during the 3 in 1 election, which is related to Independent Candidate for Pingtung Countys magisterial seat, Soong Li-hua. Soong was arrested despite the fact supporters, rather than herself, hosted early pre-election events in which raffles were used to distribute large prizes such as refrigerators, bicycles and televisions. This form of event, widely practiced at year-end private company dinners and celebrations throughout Taiwan, was deemed by prosecutors as a flagrant attempt at vote-buying via surrogates. Prosecutors began their investigations early, even video-taping the seven raffle events. However, when Soongs office was actually raided, no documentary evidence was found linking Soong to the purchase or distribution of the raffle prizes. Prosecutors told AIT/K they believe someone in MJIB tipped off Soong to the investigation and upcoming raid. Without the direct paper trail to link Soong or her campaign office to the purchase of the items, prosecutors fear this case may never make it to trial.

19. (SBU) As of November 10, 2005, in southern Taiwan the running tally of vote-buying complaints and informal investigations had risen by 70% (see ref A). Complaints and cases emerging from the upcoming 3 in 1 elections stand currently as follows:

-- Pingtung police have received 97 complaints. Of these six are under informal investigation by the county police. Indictments have been brought in one case against nine persons. (Note: Soong Li-huas case is still under legal investigation; no indictment has yet been brought in. End note.)

-- Kaohsiung police have received 100 complaints, 90 of which are now under informal investigation. Six others have been referred to prosecutors for formal investigation. Indictments have been brought in four cases against eleven persons.

-- Tainan police have received 283 complaints, of which 214 are under informal investigation. 58 others have been referred to prosecutors for formal investigation. Indictments have been brought in eleven cases against 48 persons.

-- Chiayi police have received 53 complaints, of which 40 are under informal investigation. Eight others have been referred to prosecutors for formal investigation. Indictments have been brought in five cases against fifty persons.

-- Taitung police have received 34 complaints. Of these, 32 are under informal investigation by county police and one has been referred to prosecutors for formal investigation. An indictment has been brought in one case against one person.

-- Penghu police have received 393 complaints. Of these, 193 are under informal investigation by county police and 199 have has been referred to prosecutors for formal investigation. An indictment has been brought in one case against one person.

10. (U) Most AIT/K contacts and local political analysts consider vote-buying to be practiced less because it is not as effective as before and also because it is more and more closely monitored by prosecutors. In Tainan County, where 283 complaints have been filed already, DPP officials noted that there is no question vote-buying exists and that it will continue to mutate its forms in order to evade the reach or the attention of prosecutors. Several southern DPP officials have suggested AIT/K keep a close eye on the southern KMT candidates, noting that these campaigners are the most likely to be finding new ways of buying votes,

since they are running in traditionally green districts. On the other hand, during AIT/Ks local visits, southern KMT officials appear to be the most concerned about the practice of vote-buying. Many have indicated that the central KMT has warned local officials and candidates against the practice in any form.

11. (SBU) Comment: Plausible deniability is the name of the game in vote-buying activities in southern Taiwan. Candidates and party officials are well aware of how hamstrung prosecutors feel by the inability to collect enough evidence to define any case as one of vote-buying. With complaints up by 70%, but with the actual number of indictments still low, AIT/K is keeping a close watch on what new forms of vote buying may exist that may cause complaints, but which keep prosecutors at bay from actually bringing cases to trial. End comment.

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